

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN P. “JACK” FLYNN, et al.,
Plaintiffs,
-against-
CABLE NEWS NETWORK, INC.,
Defendant.

21-cv-2587 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

After reviewing the parties’ summary-judgment briefs, the Court would like supplemental briefing on one issue: whether Defendant’s alleged statement or implication that Plaintiffs were “QAnon followers” is a non-actionable opinion for purposes of both the First Amendment and Rhode Island law. In addition to conducting their own research, counsel should consider the following authorities:

- *Milkovich v. Lorain J. Co.*, 497 U.S. 1 (1990);
- *Cheng v. Neumann*, 51 F.4th 438 (1st Cir. 2022);
- *Biro v. Conde Nast*, 883 F. Supp. 2d 441, 467–69 (S.D.N.Y. 2012), and the cases it cites;
- *Beattie v. Fleet Nat. Bank*, 746 A.2d 717 (R.I. 2000);
- *Healey v. New England Newspapers, Inc.*, 520 A.2d 147 (R.I. 1987);
- Restatement (Second) of Torts § 566 (1977).

Defendant shall submit a letter, not exceeding three single-spaced pages, by February 16, 2024, at 5:00 p.m. Plaintiff shall submit its letter (of the same length) by February 23, 2024, at 5:00 p.m.

SO ORDERED.

Dated: February 8, 2024
New York, New York



ARUN SUBRAMANIAN
United States District Judge